

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

CORRINE V.,¹

Plaintiff,

vs.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 3:20-cv-00480-CL
OPINION AND ORDER

AIKEN, District Judge:

Magistrate Judge Mark D. Clarke issued Findings and Recommendation (“F&R”) (doc. 23) on August 4, 2021 in which he recommends that the Commissioner of Social Security’s decision be affirmed. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

Plaintiff filed timely objections to the F&R. Doc. 25. Accordingly, I must “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); Fed. R. Civ.

¹ In the interest of privacy, this Opinion uses only the first name and the initial of the last name of the non-governmental party in this case.

P. 72(b)(3); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Plaintiffs objections raised an issue that was not briefed before Judge Clarke—whether the ALJ erred by failing to evaluate all relevant evidence, including statements from plaintiff’s partner. Obj. (doc. 25) at 2–3. I decline to address this issue for the first time on review. See *Brown v. Roe*, 279 F.3d 742, 745–46 (9th Cir. 2002) (rejecting the Fourth Circuit’s holding that a district court must consider new arguments raised for the first time in an objection to a magistrate judge’s F&R); *United States v. Howell*, 231 F3d 615, 622 (9th Cir. 2000) (district courts have discretion to consider new evidence raised for the first time in an objection to a magistrate judge’s F&R).

I have carefully considered the remaining objections and conclude that they do not provide a basis to modify the F&R. I have also reviewed the pertinent portions of the record de novo and find no error in the F&R.

Thus, the Court ADOPTS Judge Clarke’s F&R (doc. 23). The Commissioner’s decision is AFFIRMED, and this case is dismissed.

IT IS SO ORDERED.

Dated this 21st day of September 2021.

/s/Ann Aiken

Ann Aiken
United States District Judge